

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
)
)
Plaintiffs,)
)
) Case No.: 08 C 788
v.)
)
) Judge Coar
ROSELLE FARMERS LUMBER COMPANY, an)
Illinois corporation, a/k/a ROSELLE LUMBER) Magistrate Judge
COMPANY,)
)
)
Defendant.)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

NOW COME the Plaintiffs, TRUSTEES OF THE OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND ("Fund"), pursuant to FRCP 56 and L.R. 56.1(a)(3), and move for the entry of summary judgment against ROSELLE FARMERS LUMBER COMPANY, a/k/a ROSELLE LUMBER COMPANY ("Roselle") as to liability and damages. In support of its Motion, Plaintiffs state as follows:

1. The Fund filed this action seeking to collect withdrawal liability due from Roselle, an employer that effected a complete withdrawal from the Fund pursuant to 29 U.S.C. § 1383.
2. The Fund sent the requisite notice and demand for payment to Roselle and an accompanying schedule of payments. To date, Roselle has failed to make any withdrawal liability payments to the Fund and has defaulted.
3. Roselle also failed to initiate arbitration of the Fund's withdrawal liability assessment pursuant to the requirements of Section 4221 of ERISA, 29 U.S.C. § 1401. Since Roselle failed to make any withdrawal liability payments, and since it failed to initiate arbitration,

Roselle has waived all challenges to the withdrawal liability assessment, and the full amount of the withdrawal liability assessment is owed.

4. As a result, Plaintiffs are entitled to summary judgment in their favor and against Roselle, and all trades or businesses under common control pursuant to 29 U.S.C. § 1132(b)(1), for the withdrawal liability plus interest, liquidated damages, attorneys fees, and costs.

WHEREFORE, Plaintiffs respectfully request that this Court enter summary judgment in favor of Plaintiffs and against Roselle Farmers Lumber Company, a/k/a Roselle Lumber Company, and all trades or businesses under common control, for the withdrawal liability, interest, liquidated damages and attorneys fees, and costs pursuant to 29 U.S.C. § 1132(g)(2).

Respectfully submitted,

TRUSTEES OF THE SUBURBAN TEAMSTERS OF
NORTHERN ILLINOIS PENSION FUND

By: /s/ Anthony B. Sanders
One of their Attorneys

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